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ABSTRACT

Part of a training curriculum designed to prepare a multidisciplinary team of preservice/inservice personnel to deliver vocational and special education experiences for disabled individuals, this competency-based module focuses on federal and California state mandates pertaining to the vocational education of handicapped youth. Content includes rationale, objectives, prerequisites, evaluation procedures and criteria, content outline, learning activities and alternatives, and references and resources. Appended to the module is a paper by H. Kaney which highlights key federal and California legislative acts in four categories: (1) special education (Public Law 94-142; Public Law 98-199; California Education Code, Part 30); (2) vocational education and career development (Public Law 98-524; the Carl D. Perkins Vocational Education Act of 1984; California Administrative Code, Title 5); (3) employment (Public Law 97-300, Job Training Partnership Act of 1982; Targeted Jobs Tax Credit; Public Law 98-527, the Developmental Disabilities Act of 1984; Social Security Act); (4) rehabilitation/habilitation (Public Law 93-112; Lanterman Developmental Disabilities Services Act of 1983; California Administrative Code, Title 9). (JW)

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MODULE 1

PERSONNEL TRAINING: FEDERAL AND CALIFORNIA STATE MANDATES PERTAINING TO THE VOCATIONAL EDUCATION OF HANDICAPPED YOUTH

August 1986

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PREFACE

The following training curriculum was developed to prepare a multidisciplinary team of pre-/inservice personnel to deliver vocational and special education experiences for disabled individuals. This field-based work is designed to prepare personnel who provide vocational services for disabled youth with functional knowledge in varied cognate areas (vocational rehabilitation, vocational education, special education) as it relates to their discipline. A series of other training curriculum accompanies this module.

This curriculum presents a general training plan to be used by a trainer that is competency-based. It includes a rationale, objectives, prerequisites, evaluation procedures and criteria, content outline, learning activities and alternatives, and references and resources. Some of the training curriculums also supply a glossary of terms, summaries, and relevant monographs.

Dr. Bruce A. Ostertag
Project Coordinator and Co-Director

COMPETENCY

The trainee will demonstrate a working knowledge of federal and California state mandates (statutes and regulations) pertaining to the vocational education of handicapped students.

RATIONALE

It is imperative for trainees to be cognizant of the specific federal and California state mandates which address the vocational education of special need students. Knowledge of these statutes and regulations will allow trainees to fully utilize the services available for handicapped student's vocational education. Once a working knowledge of the enactment of and options afforded by these mandates are obtained, personnel who will provide vocational services can better meet the needs of handicapped students.

OBJECTIVES

As the following pertains to the vocational education of handicapped students, the trainee will demonstrate the ability to:

1. report upon key federal mandates
2. report upon key state (California) mandates
3. relate federal and state (California) mandates to the trainee's specific area of training
4. relate the implementation of federal and state (California) mandates to local agencies (vocational rehabilitation, local educational agencies, etc.)
5. develop modifications of existing local agencies' implementation of federal and state (California) mandates to improve delivery systems

PREREQUISITES

Trainees will be required to demonstrate the ability to:

1. describe the various categories of students in special education
2. define personal philosophy related to the integration of special education students in vocational programs
3. define personal philosophy related to providing vocational education to handicapped students
4. describe the scope and sequence of a vocational education process

EVALUATION PROCEDURES AND CRITERIA

Objective	Procedure	Criteria
1. Report upon key federal mandates	Completion - oral group report including: a. Public Law (P.L.) 93-112, Sections 503, 504 b. P.L. 94-142 c. P.L. 94-482 d. P.L. 97-300 e. P.L. 98-199 f. P.L. 98-524, Title II-A, Title V	Group/Ins. critique (video-tape)
	Completion - written summary	Written critique and grade/Ins.
	Objective exam	90% or above
2. Report upon key state (California) mandates	Completion - oral group report including: a. Assembly Bill (A.B.) 817 b. A.B. 2652, Chapter 1334, Section 5.5 c. A.B. 3075 d. Senate Bill (S.B.) 1345, Chapter 201, Sections 13, 15, 23, 24, 25 e. S.B. 1870 f. S.B. 2058 g. California Administrative Code, Title 5, Section 3051.14	Group/Ins. critique (video-tape)
	Completion - written summary	Written critique and grade/Ins.
	Objective exam	90% or above
3. Relate federal and and state (California) mandates to the trainee's specific area of training	Completion - oral group report including the Federal and California mandates from Objectives 1 and 2.	Group/Ins. critique (Video-tape)
	Completion - written summary	Written critique and grade/Ins.
4. Relate implementation of federal and state (California) mandates to local agencies (vocational rehabilitation, local educational agencies, etc.)	Completion - oral group report specifying implementation of mandates for local school district, county program, or vocational rehabilitation agency	Group/Ins. critique (video-tape)
	Completion - written summary	Written critique and grade/Ins.

Objective	Procedure	Criteria
5. Develop modifications of existing local agencies' implementation of federal and state (California) mandates to improve delivery systems	Completion - oral group report summarizing Objectives 1-4 with modifications to improve implementation at the local level	Group/Ins. critique (Video-tape)
	Completion - written summary	Written critique and grade/Ins.

CONTENT OUTLINE

The following outline contains the sequence of information as it will be presented to the trainee.

1. Objective 1: Report upon key federal mandates
   - A. Handouts highlighting salient points of:
     - i. Vocational Rehabilitation Act of 1973 (P.L. 93-112, Sections 503 and 504)
     - ii. Education for all Handicapped Children Act of 1976 (P.L. 94-142)
     - iii. Vocational Education Amendments of 1976 (P.L. 94-482)
     - iv. Job Training Partnership Act of 1982 (P.L. 97-300)
     - v. Education of the Handicapped Act, Amendments of 1983 (P.L. 98-199)
     - vi. Carl D. Perkins Vocational Education Act of 1984 (P.L. 98-524, Titles II-Part A and V)
   - B. Instructor lecture clarifying federal mandates
   - C. Trainee grouping by area of expertise
   - D. Group research
   - E. Group oral reports, videotape, critique
   - F. Group submission of written report, critique and grade
   - G. Graded examination (written)

2. Objective 2: Report upon key state (California) mandates (in conjunction with Objective 1)
   - A. Handouts highlighting salient points of:
     - i. A.B. 817 (Papan)
     - ii. A.B. 2652 - Chapter 1334, Section 5.5 (Moore)
     - iii. A.B. 3075 (Papan)
     - iv. S.B. 1345 - Chapter 201, Sections 13, 15, 23, 24, 25 (Sieroty)
     - v. S.B. 1870 (Rodda)
     - vi. S.B. 2058 (Rains)
     - vii. California Administrative Code, Title V - Section 3051.14
   - B. Instructor lecture clarifying state (California) mandates
   - C. Trainee grouping as per Objective 1
   - D. Group research
   - E. Group oral reports, videotape, critique
   - F. Group submission of written report, critique and grade
   - G. Graded examination (written)

3. Objective 3: Relate Federal and state (California) mandates to the trainee's specific area of training*
   - A. Trainee grouping as per Objectives 1 and 2
   - B. Handouts from Objectives 1 and 2
   - C. Written reports from Objectives 1 and 2
   - D. Group identification of specific mandates/sections of mandates pertaining to their professional area
   - E. Group oral report, videotape, critique
   - F. Group submission of written report, critique and grade

   * Objective 3 may be done in conjunction with Objectives 1 and 2; if so, eliminate Step C from Objective 3.

4. Objective 4: Relate implementation of federal and state (California) mandates to local agencies (vocational rehabilitation, local educational agencies, etc.)
   A. Development of interview questions by trainees for agency representatives (see "C" below)
   B. Handouts from below agency representatives
   C. Panel presentation by representatives from:
      i. Vocational Rehabilitation Counseling
      ii. Vocational Education (Regional Occupational Center/Program, Industrial Education)
      iii. Special Education-Secondary
      iv. Adult Education
      v. Post-Secondary Education
      vi. Other Agencies (Goodwill, Purple Heart, Alta Regional Center, etc.)
   D. Question/Answer session with representatives
   E. Field trip to view sample agency programs (optional-suggest small group visitation per agency)
   F. Grouping of trainees by agency interest
   G. Group compilation of research, notes, etc.
   H. Group oral reports, videotape, critique
   I. Group submission of written report, critique

5. Objective 5: Develop modifications of existing local agencies' implementation of federal and state (California) mandates to improve delivery systems (in conjunction with Objective 5)
   A. Instructor overviews Objective 4 - Items B thru E
   B. Grouping of trainees as in Objective 4
   C. Group synthesis of research, notes, etc.
   D. Group development of possible modifications to existing agency implementations of mandates
   E. Group oral reports, videotape, critique
   F. Group submission of written report, critique

LEARNING ACTIVITIES AND ALTERNATIVES

Objective	Facilitating Activities/Alternatives
Report upon key federal mandates	View filmstrip, "PL 94-142" Instructor lecture-overview of key federal mandates Videotape key governmental personnel-overview specific Public Laws Order copies of complete Public Laws-class review and discussion Panel of experts-presentation with question/answer session VOICE printouts-identification of literature that discusses/reviews appropriate Public Laws-student report on materials Media search of available movies, videos, etc.-overview appropriate Public Laws (VOICE, California Clearinghouse Depository, CEC, AVA) Individual research report by trainees
Report upon key state (California) mandates	Instructor lecture-overview of state statutes and regulations Videotape key state governmental personnel-overview specific Assembly and Senate Bills Obtain brochures, booklets, etc.-overview of state mandates Panel of experts-presentation with question/answer session Order copies of relevant Assembly and Senate bills-class review and discussion Trainee development of flow-charts outlining state mandates with salient points Individual research report by trainees
Relate Federal and state (California) mandates to the trainees specific area of training	Panel of experts from representative areas-presentation with questions/answers Videotape of experts from representative areas-discussion of topic Trainee development of booklet/report detailing topic Individual interviews by trainees of personnel from representative areas Attend lecture

Objective	Facilitating Activities/Alternatives
Relate implementation of federal and state (California) mandates to local agencies (vocational rehabilitation, local educational agencies, etc.)	Instructor lecture Videotape of representative experts Critique of agencies' implementation of policies Interview personnel from representative areas Report model agency implementation efforts Compare and contrast local agencies' efforts to model agency programs
Develop modifications of existing local agencies' implementation of federal and state (California) mandates to improve delivery systems	Instructor facilitation of discussion Compare and contrast agencies' written policy for implementation to actual effort Interview of personnel from representative areas for their suggested modifications Individual report on modifications

REFERENCES AND RESOURCES

RESOURCES

California State Department of Education
Special Needs Division
721 Capitol Mall
Sacramento, CA 95814 916/445-4036

California State Department of Education
Vocational and Continuing Education Division
721 Capitol Mall
Sacramento, CA 95814 916/445-3314

California State Department of Employment Development
800 Capitol Mall
Sacramento, CA 95814 916/445-8008

California State Department of Rehabilitation
830 K St. Mall
Sacramento, CA 95814 916/322-3068

California State Division of Libraries
Library and Courts Building
Sacramento, CA 95814 916/322-4570

Special Education Resource Network
650 University Ave.
Room 201
Sacramento, CA 95825 916/921-0521

Vocational And Occupational Information Center for Educators
721 Capitol Mall - 4th Floor
Sacramento, CA 95814 916/445-0401

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SUMMARY OF LAWS RELEVANT TO THE VOCATIONAL EDUCATION OF HANDICAPPED YOUTH

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Legislative Background

The last few decades have witnessed a legislative movement to insure the rights of persons with disabilities as well as to provide for fullest possible participation in society. Highlighted below are the key federal and California legislative acts, and those sections that pertain to the successful transitioning of individuals with special needs from secondary education to the world of work and the community.[1]

I. Special Education

A. Federal

O PUBLIC LAW 94-142, THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975, requires that public schools provide free appropriate public education for students with disabilities between ages three and twenty-one. This includes special education, related services, regular education, and specially designed vocational education if needed. The Act requires cooperation between educational and other service agencies, including vocational education.

Vocational education is included in the definition of special education if it consists of specially designed instruction to meet the unique needs of a student with a disability. Public Law 94-142 defines vocational education as:

> "...organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree."

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[1]Barbara L. Troolin, Minnesota Transition Resource Manual, White Bear Lake MN.: Minnesota Curriculum Services Center, 1985, pp. 12-20; Caryl Miller, Laws and Regulations: Career/Vocational Education for Handicapped Students, Orange County Department of Education, 1985, pp. 1-21; Project TIE, "Vocational Transition: A Priority for the 80's," Rehabilitation Research and Training Center, Virginia Commonwealth University, Richmond, Vol. 1, No. 1.

- PUBLIC LAW 98-199 (1983) contains amendments to The Education For All Handicapped Children Act. The law provides funding for secondary education and transition services for youth with disabilities between ages 12 and 21. It authorizes funding for research, training and demonstration in: 1) strategies and techniques for transition to independent living; 2) demonstration models emphasizing vocational, transitional, and job placement services; 3) provision of demographic studies on numbers and types of handicapping conditions of students and services required; 4) initiation of collaborative models between education agencies and adult service providers; 5) development of procedures for evaluation of programs in the area of transition.

B. California Education Code, Part 30

O Assessment - Chapter 4, Article 2, Section 56320(f)

The pupil is assessed in all areas related to the suspected disability including, where appropriate, career and vocational abilities and interests.

O Individualized Education Plan (IEP)
Vocational Component - Chapter 4, Article 3, Section 56345(b)

When appropriate, the individualized education program shall also include, but not be limited to, all of the following:

- o Prevocational career education for pupils in kindergarten and grades 1 to 6, inclusive, or pupils of comparable chronological age.

- o Vocational education, career education or work experience education, or any combination thereof, in preparation for remunerative employment, including independent living skill training for pupils in grades 7 to 12, inclusive, or comparable chronological age, who require differential proficiency standards pursuant to Section 51215.

O Resource Specialist Duties - Chapter 4, Article 4, Section 56362(a)

The resource specialist program shall provide, but not be limited to, all of the following:

- o Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

O Designated Instruction and Services - Chapter 4, Article 4, Section 56363(a)

These services may include, but are not limited to, the following:

- o Specially designed vocational education and career development.

II. Vocational Education and Career Development

A. Federal

O PUBLIC LAW 98-524, THE CARL D. PERKINS VOCATIONAL EDUCATION ACT OF 1984 states that 10% of each State's formula grant allotment under Part A be used to provide vocational education to individuals with disabilities, as additional cost over regular vocational education expenditures.

Mandates that every student with disabilities and his/her parents be informed of vocational education opportunities available in school one year before such services are provided but no later than the beginning of ninth grade.

Emphasizes that students with disabilities must have equal access to vocational education services when appropriate, as indicated in the IEP. Services may include:

- o vocational assessment
- o special services with adapted curriculum to meet needs
- o guidance counseling and career development
- o staff and counseling services to facilitate transition

B. California

O SPECIALLY DESIGNED VOCATIONAL EDUCATION AND CAREER DEVELOPMENT CALIFORNIA ADMINISTRATIVE CODE, TITLE 5, SECTION 3051.14

Specially designed vocational education and career development for individuals with exceptional needs regardless of severity of disability may include:

- o Providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes

- o Coordinating and modifying the regular vocational education program for an individual with exceptional needs

- o Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community

- o Establishing work training programs within the school and community
- o Assisting in job placement
- o Instructing job trainers and employers as to the unique needs of the individuals
- o Maintaining regular scheduled contact with all work stations and job-site trainers
- o Coordinating services with the Department of Rehabilitation and other agencies as designated in the individualized education program

O Work Experience

- o General Information

  The California Administration Code (CAC), Title 5 for Work Experience Education (WEE) is being revised and will be adopted in the Spring or Summer of 1986. For the latest revised copy of the draft, contact John Iskra, Regional Coordinator of Vocational Education, State Department of Education, 1919 - 21st Street, Sacramento, CA 95814, (916) 445-6581.

- o Specially Designed Work Experience Program

  A specially designed program of work experience is one which is organized when students cannot participate in a work experience program designed for regular students. Project WorkAbility is a example of a specially designed program. (See Appendix A for a description of Project WorkAbility.)

III. Employment

A. Federal

O PUBLIC LAW 97-300, JOB TRAINING PARTNERSHIP ACT (JTPA) OF 1982 is a block grant, replacing the Comprehensive Employment and Training Act (CETA), through which states receive money for job training and disburse it through industrial/business councils in each service delivery area. The council reviews job market information and adds its own expertise to select and establish training programs for youth and other groups.

Much of the state's allocation is for local job training, support services, administration, and statewide coordination. Persons with disabilities are included in the "special needs group" as identified by the Governor's Job Training Council. These persons may receive the same job training services offered to any eligible participant of a job training program. Training services include remedial education, classroom instruction, vocational counseling, temporary work experience, on-the-job training, job upgrading and retraining, job search assistance and job placement. (JTPA funds are designated for direct training services, not income support.)

Local private industry councils (PICs) decide what special groups to serve. One-third of the PIC members are from business and industry. Funds allocated from the Governor's Job Training Council are partly on recommendations by local PICs and partly on labor market information gathered about the area. Since the program's focus is to increase the role of private business and industry in the training and employment of youth with disabilities, this partnership bridges the public and private sector.

O TARGETED JOBS TAX CREDIT (TJTC) is an elective Federal income tax credit that can be applied to the wages private employers pay to certain groups of employees. The targeted groups include Supplemental Security Income (SSI) recipients, general assistance recipients, persons with disabilities referred by state vocational rehabilitation or Veterans Administration programs, 18 to 24 year-olds from economically disadvantaged families, economically disadvantaged Vietnam veterans, young adults education program, economically-disadvantaged ex-offenders, recipients of Aid to Families with Dependent Children (AFDC) and participants in the Work Incentive (WIN) program, involuntary terminated CETA employees hired before January 1, 1983, and economically disadvantaged 16 and 17 year old new summer youth employees.

Eligibility determination and certifications in California are completed by the State Employment Development Department. This program has provided incentives for employers to hire disabled workers.

Note: This credit was offered through Dec 31, 1985. Federal and State legislation is pending to extend TJTC beyond that date.

- O PUBLIC LAW 98-527, THE DEVELOPMENTAL DISABILITIES ACT OF 1984 adds "employment related" activities as a new priority service to administering agency of developmental disabilities fund. Drops non-vocational social developmental services as a priority service. This Act defines and strongly encourages supported employment services.

- O SOCIAL SECURITY ACT: SECTIONS 1619a AND 161b (effective through 6/30/87; legislation has been introduced to extend these provisions indefinitely) - 1619a authorizes cash benefits to be paid to working social security beneficiaries as long as their earnings are below the federal break even point. 1619b authorizes the continuation of medical coverage to social security recipients with earnings exceeding the break even point if recipients continue to qualify for benefits. Allows for a 15-month re-entitlement period following the 9-month trial period for SSI and SSDI beneficiaries if recipient loses a job due to his/her disability.

IV. Rehabilitation/Habilitation

A. Federal

- O PUBLIC LAW 93-112,THE REHABILITATION ACT OF 1973, INCLUDING SECTION 504, authorizes federal support for training mentally and physically handicapped persons and placing them into employment. "Handicapped individual" is defined as an individual who 1) "has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and 2) can reasonably be expected to benefit from vocational rehabilitation services provided."

  Part of the Act authorizes grants to designated vocational rehabilitation agencies to provide services such as counseling, referral, training, placement. State agencies are directed to give priority to serving "those individuals with the most severe handicaps." For each individual served, an individualized written rehabilitation program (IWRP) is designed by a counselor, the individual with a disability, and the parent.

  Section 504 has been described as a "bill of rights" for persons with disabilities, since it prohibits discrimination on the basis of a handicap in any private or public program that receives federal funds.

B. California

O LANTERMAN DEVELOPMENTAL DISABILITIES SERVICES ACT OF 1983

o Habilitation

This Act provides the vehicle to assure certain rights and monitor program results for persons with developmental disabilities to include, for the purpose of this document, "a right to habilitation services" and a right to social interaction and participation in community activities. [Chapter 1, Section 4502(a), (f)]

"Habilitation Services" are those community-based activities that are of appreciably longer duration than vocational rehabilitation services. Habilitation services are available for those individuals who are so severely disabled that they do not presently have a potential for competitive employment. Habilitation services prepare developmentally disabled adults for sheltered, competitive employment, or vocational rehabilitation services, and/or to maintain them at their highest level of vocational functioning or independent living.

Habilitation services are purchased by a Regional Center with Habilitation Service Program funds from community-based work activity or sheltered workshop programs. Skills are developed in the areas of independent living, socialization, basic education, and vocational education.

O REHABILITATION FACILITIES AND SHELTERED WORKSHOPS CALIFORNIA ADMINISTRATIVE CODE, TITLE 9, CHAPTER 3, ARTICLE 9

o A rehabilitation facility is an organization and physical facility, publicly, privately, or cooperatively sponsored, in which a program of integrated and coordinated services is offered. These services are provided for developmental, social/emotional and vocational restoration or personal adjustment of adults and minors with disabilities. The range of services may include, but not be limited to placement, training, education, sheltered or extended employment and evaluation. A rehabilitation facility shall include, but not be limited to a sheltered workshop component, activity centers, state/county institutions and other facilities which provide work skills development programs.

- o A sheltered workshop is that component of a work-oriented rehabilitation facility with a controlled working environment and individual vocational goals which utilizes work experience and related services for assisting handicapped persons to progress toward normal living and productive vocational status.

O VOCATIONAL REHABILITATION CALIFORNIA ADMINISTRATIVE CODE, TITLE 9, CHAPTER 3, ARTICLE 9

- o State Department of Rehabilitation

  Services are provided as funds are available, on an individual basis, with each person receiving the particular services he or she is found to need as indicated in the client's Individual Written Rehabilitation Plan (IWRP).